

REMARKS

The Office Action mailed June 15, 2005 has been carefully considered. Applicants wish to thank the Examiner for the effort in evaluating this application. The following is noted:

Claims 9 through 21 were pending in the present application prior to this amendment.

By the present amendment, claims 1-9, 16, 17, 20 and 21 are being cancelled. Claims 10-15, 18 and 19 remain pending in this application. It is believed that the amended claims have overcome the examiner's rejections as detailed in the following remarks.

Claim Objections

Claim 9 was objected to regarding the proper form of language to be used in reciting a Markush language. The language from claim 9 that has been added to claims 10, 12, 14 and 18 have had the suggested language "selected from the group consisting of" added to those claims. Claim 9 has been cancelled by this amendment rendering the objection moot. Withdrawal of this objection is respectfully requested.

Claim Rejections – 35 USC §112

Claims 16-17 were rejected under 35 U.S.C. §112, first paragraph, as lacking enablement. These claims have been cancelled by the present amendment, rendering this rejection moot.

Claim 16 was rejected as overly broad. This claim has been cancelled by the present amendment, rendering this rejection moot.

Claims 9-21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. These claims have been amended to recite "carob pulp" in place of "Caromax", with support for this substitution found in the specification on page 9, at lines 22 through 30. This language is believed to be more definite than use of the trademarked term "Caromax".

Claims 10, 12, 14 and 18 have had the language "or physiologically functional derivative" removed by the present amendment, to comply with the helpful suggestion by the Examiner.

Withdrawal of the rejections under 35 U.S.C. §112 is respectfully requested.

Double Patenting

Claims 20 and 21 have been rejected under the doctrine of double patenting. These claims have been cancelled by the present amendment, rendering this rejection moot. Withdrawal of the rejections is respectfully requested.

Claim Rejections – 35 USC §103

While not agreeing with the assertion that the claims rejected in the last Office Action are not allowable under 35 U.S.C. 103(a) as being obvious, the Applicants have now amended the claims to facilitate the issuing of a patent for the claims indicated by the Office as being allowable.

The claims have now been amended to move the limitations of claim 9 into claims 10, 12, 14 and 18. In the Office Action mailed June 15, 2005, the Office indicated that claims 10-15, 18 and 19 were allowable. It is believed that the present amendment removes the dependency of the claims upon cancelled claim 9, and that all claims currently pending are now allowable.

Applicants reserve the right to pursue the cancelled subject matter in a timely filed Continuation application.

It is believed that no new matter has been introduced by the present amendments of the specification and the claims.

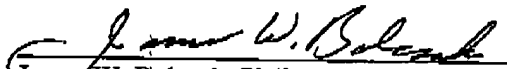
Conclusion

In view of the foregoing discussion, it is believed that all the pending claims, as amended, fully comply with the legal requirements. Reconsideration and allowance of the application with pending claims are earnestly solicited.

Enclosed herewith is a Petition under 37 C.F.R. § 1.136(a) to extend the time for response for three months, or until December 15, 2005. It is believed that no additional fees and charges are required at this time in connection with the application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No.18-1982.

If prosecution can be advanced by direct telephone contact with the undersigned, the Office is invited to call the practitioner directly at the number provided below.

Respectfully submitted,


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